

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

A & G GOLDMAN PARTNERSHIP; and PAMELA  
GOLDMAN

Appellants,

v.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

-and-

CAPITAL GROWTH COMPANY; DECISIONS,  
INC.; FAVORITE FUNDS; JA PRIMARY LIMITED  
PARTNERSHIP; JA SPECIAL LIMITED  
PARTNERSHIP; JAB PARTNERSHIP; JEMW  
PARTNERSHIP; JF PARTNERSHIP; JFM  
INVESTMENT COMPANIES; JLN PARTNERSHIP;  
JMP LIMITED PARTNERSHIP; JEFFRY M.  
PICOWER SPECIAL COMPANY; JEFFRY M.  
PICOWER, P.C.; THE PICOWER FOUNDATION;  
THE PICOWER INSTITUTE OF MEDICAL  
RESEARCH; THE TRUST F/B/O GABRIELLE H.  
PICOWER; BARBARA PICOWER, individually and  
as Executor of the Estate of Jeffry M. Picower, and as  
Trustee for the Picower Foundation and for the Trust  
f/b/o Gabriel H. Picower,

Appellees.

14-CV-07058

**STIPULATION AND ORDER  
MODIFYING BRIEFING  
SCHEDULE**

Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.*, and the estate of Bernard L. Madoff, individually, by and through his counsel; the Picower Parties<sup>1</sup> as intervenors (the “Intervenors”), by and through their counsel (the Trustee and Intervenors are collectively referred to as the “Appellees”); and A&G Goldman Partnership and Pamela Goldman (the “Goldman Appellants”), by and through their counsel (the Appellees and Appellants are collectively referred to as the “Parties”), hereby

<sup>1</sup> The “Picower Parties” are: Capital Growth Company; Decisions, Inc.; Favorite Funds; JA Primary Limited Partnership; JA Special Limited Partnership; JAB Partnership; JEMW Partnership; JF Partnership; JFM Investment Companies; JLN Partnership; JMP Limited Partnership; Jeffry M. Picower Special Company; Jeffry M. Picower, P.C.; the Picower Foundation; the Picower Institute of Medical Research; the Trust F/B/O Gabrielle H. Picower; Barbara Picower, individually, and as executor of the estate of Jeffry M. Picower, and as Trustee for the Picower Foundation and for the Trust F/B/O Gabriel H. Picower.

stipulate and agree as follows:

WHEREAS, on July 14, 2014, the Goldman Appellants filed a notice of appeal from the Memorandum Decision Granting Plaintiff's Motion for an Injunction entered by the Honorable Stuart M. Bernstein, Bankruptcy Judge for the U.S. Bankruptcy Court for the Southern District of New York, on June 23, 2014 in *Picard v. Marshall*, Adv. Pro. No. 14-01840 (the "Decision"), and the related order (the "Goldman Appeal");

WHEREAS, on August 29, 2014, the Goldman Appellants' appeal was docketed in the above-captioned case;

WHEREAS, the Goldman Appellants requested and the Parties have agreed to modify the briefing schedule otherwise applicable under Federal Rule of Bankruptcy Procedure 8009.<sup>2</sup>

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND BETWEEN THE PARTIES:

1. The Goldman Appellants' brief shall be due on or before September 26, 2014.
2. The Appellees' briefs shall be due on or before October 13, 2014.
3. The Goldman Appellants' reply brief shall be due on or before October 27, 2014.
4. The Parties' opening briefs shall be no longer than 50 pages in length and the reply brief shall be no longer than 25 pages in length.
5. Other than as set forth above, the Parties reserve all rights and defenses they may have in this action, and entry into this stipulation shall not impair or otherwise affect any such rights.

*[Remainder of page deliberately left blank]*

---

<sup>2</sup> On July 14, 2014, Adele Fox, Susanne Stone Marshall, Russell Oasis, and Marsha Peshkin (the "Fox Appellants") also filed a notice of appeal from the Decision and related orders (the "Fox Appeal"), which has been docketed as Case Number 14-CV-06790 in the U.S. District Court for the Southern District of New York. On August 29, 2014, a so-ordered stipulation was entered in the Fox Appeal setting forth a briefing schedule.

Dated: September 11, 2014  
New York, New York

BAKER & HOSTETLER LLP

By: Keith R. Murphy / with permission  
David J. Sheehan  
[dsheehan@bakerlaw.com](mailto:dsheehan@bakerlaw.com)  
Deborah H. Renner  
[drenner@bakerlaw.com](mailto:drenner@bakerlaw.com)  
Tracy L. Cole  
[tracycole@bakerlaw.com](mailto:tracycole@bakerlaw.com)  
Keith R. Murphy  
[kmurphy@bakerlaw.com](mailto:kmurphy@bakerlaw.com)

45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201

*Attorneys for Irving H. Picard, Trustee for  
the Substantively Consolidated SIPA  
Liquidation of Bernard L. Madoff  
Investment Securities LLC and the Estate  
of Bernard L. Madoff*

HERRICK, FEINSTEIN LLP

By: Frederick E. Schmidt / HvH  
Frederick E. Schmidt  
[eschmidt@herrick.com](mailto:eschmidt@herrick.com)  
Joshua J. Angel  
[jangel@herrick.com](mailto:jangel@herrick.com)

2 Park Avenue  
New York, New York 10015  
Telephone: (212) 545-3474  
Facsimile: (212) 545-3474

BLACKNER, STONE & ASSOCIATES

Richard L. Stone  
[rstoneesq@aol.com](mailto:rstoneesq@aol.com)  
123 Australian Ave.  
Palm Beach, Florida 33480

*Attorneys for the Goldman Appellants*

SCHULTE ROTH & ZABEL LLP

By: Marcy Ressler Harris  
William D. Zabel  
[william.zabel@srz.com](mailto:william.zabel@srz.com)  
Marcy Ressler Harris  
[marcy.harris@srz.com](mailto:marcy.harris@srz.com)  
Michael Kwon  
[michael.kwon@srz.com](mailto:michael.kwon@srz.com)  
Jennifer M. Opheim  
[jennifer.opheim@srz.com](mailto:jennifer.opheim@srz.com)

919 Third Avenue  
New York, New York 10022  
Telephone: (212) 756-2000  
Facsimile: (212) 593-5955

*Attorneys for the Intervenors*

SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2014

UNITED STATES DISTRICT COURT JUDGE